



HOUSE BILL No. 4666

March 28, 1995, Introduced by Reps. Rhead, DeMars, Bush, Hammerstrom, Hill and Llewellyn and referred to the Committee on Regulatory Affairs.

A bill to amend section 8 of Act No. 230 of the Public Acts of 1972, entitled as amended "State construction code act of 1972," as amended by Act No. 128 of the Public Acts of 1994, being section 125.1508 of the Michigan Compiled Laws; and to add section 13d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 8 of Act No. 230 of the Public Acts of
2 1972, as amended by Act No. 128 of the Public Acts of 1994, being
3 section 125.1508 of the Michigan Compiled Laws, is amended and
4 section 13d is added to read as follows:

5 Sec. 8. (1) This act and the code apply throughout the
6 state, except that a governmental subdivision may elect to exempt
7 itself from certain parts of this act and the code by adopting
8 and enforcing a nationally recognized model building code or

1 other nationally recognized model codes. It is not necessary for
2 a governmental subdivision to elect to exempt itself from every
3 part of the code promulgated by the commission in order to pre-
4 serve its exemption election as to 1 or more nationally recog-
5 nized model codes. A governmental subdivision may make this
6 election by the passage of an ordinance adopting by reference or
7 otherwise without amendment a nationally recognized model build-
8 ing code or other nationally recognized model codes. A county
9 ordinance adopted pursuant to this act shall be adopted by the
10 county board of commissioners and shall be signed by the chair-
11 person of the county board of commissioners and certified by the
12 county clerk. A governmental subdivision that elects not to be
13 governed by certain parts of this act and the code shall review
14 and update its codes by amending its ordinance at least once
15 every 3 years by adopting without amendment all changes to those
16 codes and submitting a certified copy of the amended ordinance to
17 the commission. However, a governmental subdivision adopting
18 nationally recognized model codes may approve amendments to those
19 codes by ordinance. The amendments shall become effective 90
20 days after passage of the ordinance and 90 days after a certified
21 copy of the ordinance is delivered to the commission, unless the
22 commission determines after a public hearing that the codes, as
23 amended, do not adequately protect the health, safety, or welfare
24 of the people of the governmental subdivision, or that the amend-
25 ments tend to unnecessarily increase construction costs; restrict
26 the use of new materials, products, or methods of construction;
27 provide preferential treatment to types or classes of materials,

1 products, or methods of construction; or obstruct the substantive
2 uniformity of building codes within a region or locality in the
3 state.

4 (2) Within 10 days after December 30, 1980, the executive
5 director shall provide a notice of intent form to all governmen-
6 tal subdivisions administering and enforcing a nationally recog-
7 nized model code. This form shall set forth the date return
8 receipt is required, which date shall not be less than 60 days
9 after receipt. The chief elected official of the governmental
10 subdivision that receives this notice shall indicate on the form
11 the intention of the governmental subdivision as to whether it
12 shall continue to administer and enforce its code and transmit
13 this notice to the executive director within the prescribed
14 period. If a governmental subdivision fails to submit a notice
15 of intent to continue to administer and enforce its code within
16 the date set forth in the notice, the executive director shall
17 send a notice by registered mail to the clerk of that governmen-
18 tal subdivision. The registered notice shall indicate that the
19 governmental subdivision has 15 additional days in which to
20 submit a notice of intent to continue to administer and enforce
21 its code. If the governmental subdivision does not respond by
22 the end of the 15 additional days, it shall be conclusively pre-
23 sumed that the governmental subdivision does not intend to con-
24 tinue to administer and enforce its code, and the executive
25 director shall assume the responsibility for administering and
26 enforcing this act and the code in that governmental subdivision,
27 unless the county within which that governmental subdivision is

1 located has submitted a notice of intent to continue to
2 administer and enforce this act and the code. Governmental sub-
3 divisions may provide by agreement for joint enforcement of
4 another nationally recognized model code adopted pursuant to sub-
5 section (1).

6 (3) A county that was administering and enforcing this act
7 and the code pursuant to section 9(1) on December 30, 1980, and
8 has submitted a notice of intent to continue to administer and
9 enforce the code to the executive director pursuant to section 9,
10 after December 30, 1980, may exempt itself pursuant to subsection
11 (1) by the passage of an ordinance adopting by reference or oth-
12 erwise without amendment a nationally recognized model building
13 code or other nationally recognized model codes. However, that
14 action shall not take effect until 90 days after passage of an
15 ordinance to that effect. Before the effective date of this
16 action and the effective date of the ordinance, a county that
17 proposes to adopt an ordinance to this effect shall file the pro-
18 posed ordinance for approval pursuant to subsection (1) with the
19 commission. The commission shall review the proposed ordinance.
20 If the commission does not approve or disapprove the proposed
21 ordinance within 90 days after it is filed with the commission,
22 the proposed ordinance shall be considered approved unless the
23 county grants the commission additional time to consider the pro-
24 posed ordinance. The executive director shall notify a county
25 that elects to exempt itself pursuant to subsection (1) of all
26 governmental subdivisions within their jurisdiction that have not
27 submitted a notice of intent to continue to administer and

1 enforce its code. It is the responsibility of that county to
2 administer and enforce that code for all of the governmental sub-
3 divisions within the county that have not submitted a notice of
4 intent to continue to administer and enforce its code within its
5 jurisdiction. A structure commenced under an effective code
6 shall be completed under that code. A county that elects to
7 exempt itself in accordance with this subsection may exercise the
8 option to administer and enforce this act and the code pursuant
9 to section 9(1). However, the exercise of this election to
10 administer and enforce this act and the code shall not take
11 effect until 6 months after passage of an ordinance to that
12 effect.

13 (4) A governmental subdivision that has elected to assume
14 responsibility for the administration and enforcement of this act
15 and the code, and has submitted a notice of intent to continue to
16 administer and enforce the code to the executive director pursu-
17 ant to section 9, after December 30, 1980, may reverse that elec-
18 tion and exempt itself pursuant to subsection (1) by the passage
19 of an ordinance adopting by reference or otherwise without amend-
20 ment a nationally recognized model building code or other nation-
21 ally recognized model codes. However, that action ~~shall~~ DOES
22 not take effect until 90 days after passage of an ordinance to
23 that effect. Before the effective date of this action and the
24 effective date of the ordinance, a governmental subdivision that
25 proposes to adopt an ordinance to this effect shall file the pro-
26 posed ordinance for approval pursuant to subsection (1) with the
27 commission. The commission shall review the proposed ordinance.

1 If the commission does not approve or disapprove the proposed
2 ordinance within 90 days after it is filed with the commission,
3 the proposed ordinance shall be considered approved unless the
4 governmental subdivision grants the commission additional time to
5 consider the proposed ordinance. A structure commenced under an
6 effective code shall be completed under that code. A governmen-
7 tal subdivision that elects to exempt itself in accordance with
8 this subsection may exercise the option to make itself subject to
9 this act and the code pursuant to section 9(1). However, the
10 exercise of this election to be subject to this act and the code
11 ~~shall~~ DOES not take effect until 6 months after passage of an
12 ordinance to that effect.

13 (5) A governmental subdivision that has elected to exempt
14 itself pursuant to subsection (1) may reverse that election,
15 making itself subject to the act and the code. However, that
16 action ~~shall~~ DOES not take effect until 60 days after passage
17 of an ordinance to that effect. A structure commenced under an
18 effective code shall be completed under that code. A governmen-
19 tal subdivision that elects to make itself subject to the code in
20 accordance with this subsection may exercise the option to exempt
21 itself pursuant to subsection (1) not later than 3 years after
22 its administration and enforcement of the code. However, that
23 exemption ~~shall~~ DOES not take effect until 1 year after passage
24 of an ordinance to that effect.

25 (6) A governmental subdivision that before December 30,
26 1980, has not administered and enforced either this act and the
27 code or another nationally recognized model code may elect to

1 exempt itself from certain parts of this act and the code
2 pursuant to subsection (1) by the passage of an ordinance to that
3 effect. A governmental subdivision that makes this election
4 after December 30, 1980 shall submit, in addition to the ordi-
5 nance, an application to the commission for approval to adminis-
6 ter and enforce that code within its jurisdiction. This applica-
7 tion shall be made on the proper form to be provided by the
8 commission. The standards for approval shall include, but not be
9 limited to, the certification by the governmental subdivision
10 that the enforcing agency is qualified by experience or training
11 to administer and enforce that nationally recognized model code
12 and all related acts and rules, that agency personnel are pro-
13 vided as necessary, administrative services are provided, plan
14 review services are provided, and timely field inspection serv-
15 ices ~~shall~~ WILL be provided. The executive director shall seek
16 additional information if the executive director considers it
17 necessary. The commission shall render a decision on the appli-
18 cation for approval to administer and enforce that code that has
19 been adopted and transmit its findings to that governmental sub-
20 division within 90 days of receipt of the application. The com-
21 mission shall document its reasons if the commission disapproves
22 an application. A governmental subdivision that receives a dis-
23 approval may resubmit its application for approval. Upon receipt
24 of approval from the commission for the administration and
25 enforcement of that adopted code, the governmental subdivision
26 shall administer and enforce that code within its jurisdiction
27 pursuant to the provisions of its approved application.

1 (7) The state construction code or any of its sections shall
2 take effect 6 months after the code's initial promulgation. The
3 6-month delay does not apply to rules promulgated to implement
4 sections 13a, 13b, 19, and 21 and the requirements of barrier
5 free design and energy conservation of this act and code. A gov-
6 ernmental subdivision may not exempt itself from the requirements
7 of this section, section 9(8) or (10), or section 9a, 10, 13a,
8 13b, 13C, 13D, 14, 15, 20, 21a, 22(1), 23, or 23a. The 6-month
9 delay does not apply to amendments to the code or any of the
10 code's sections after the initial promulgation. A governmental
11 subdivision that elects to exempt itself from this act and the
12 code may do so within 6 months after the promulgation of the code
13 in the manner provided in subsection (1), except that any amend-
14 ments the governmental subdivision adopts at that time are
15 subject to review by the commission as set forth in subsection
16 (1) within 120 days after a copy of the adopted amendments is
17 delivered to the commission by certified mail with return receipt
18 requested.

19 (8) A governmental subdivision that elects to exempt itself
20 from certain parts of this act and the code pursuant to subsec-
21 tion (1) and is enforcing its code within its jurisdiction pursu-
22 ant to subsection (1) may rescind that ordinance by which it
23 elected to exempt itself from certain parts of this act and the
24 code, and transfer the responsibility for the administration and
25 enforcement of this act and the code within the governmental sub-
26 division to the executive director. The executive director shall
27 assume the responsibility for administering and enforcing this

1 act and the code in that governmental subdivision, unless the
2 county within which that governmental subdivision is located has
3 submitted a notice of intent to continue to administer and
4 enforce the code. However, that action shall not take effect
5 until 12 months after the passage of an ordinance to that
6 effect. A structure commenced under an effective code shall be
7 completed under that code.

8 (9) Locally adopted codes do not apply to public or nonpub-
9 lic schools within the governmental subdivision without concur-
10 rence by the school authorities having jurisdiction.

11 (10) Sections 10, 13a, 13b, 13C, 13D, 19, 21, 21a, and 23a,
12 subsection (13), and other provisions of this act and code
13 directly relating to the provisions of sections 10, 13a, 13b,
14 13C, 13D, 19, 21, 21a, and 23a, subsection (13), and provisions
15 of the code relating to the requirements of barrier free design,
16 energy conservation, and, except as provided in subsection (11),
17 for plans submitted for approval after January 1, 1994 the type
18 and number of plumbing fixtures for men and women required in an
19 assembly building with an occupancy of more than 150 are effec-
20 tive throughout the state without local modifications notwith-
21 standing the exception of subsections (1) to (9). The standards
22 for premanufactured housing shall not be less than the standards
23 required for nonpremanufactured housing, except that mobile homes
24 shall be considered to have complied with this requirement by
25 compliance with the state code provisions adopting a nationally
26 recognized mobile home code. As used in this subsection,
27 "assembly building" means a theater, sports arena, stadium, food

1 service establishment with or without a liquor license,
2 exhibition hall, library, recreation center, passenger terminal,
3 and outdoor assembly structure which includes an outdoor grand-
4 stand, bleacher, colosseum, stadium, amusement park structure,
5 and fair or carnival structure.

6 (11) With respect to the type and number of plumbing fix-
7 tures required for men and women in an assembly building pursuant
8 to subsection (10), the executive director, in his or her sole
9 discretion, may exempt from the effective date provision those
10 projects for which plans were near finalization before January 1,
11 1994, but were submitted after that date.

12 (12) The commission may limit the application of a part of
13 the code to include or exclude the following:

14 (a) Specified classes or types of buildings or structures,
15 according to use, or other distinctions as may make differentia-
16 tion or separate classification or regulation necessary, proper,
17 or desirable. The commission shall consider the specific prob-
18 lems of the construction or alteration of a single family,
19 owner-occupied recreational dwelling that is located in a
20 sparsely populated area and that is to be occupied on a part-time
21 basis.

22 (b) Specified areas of the state based on size, population
23 density, special conditions prevailing in the area, or other fac-
24 tors as may make differentiation or separate classification or
25 regulation necessary, proper, or desirable.

1 (13) A building or structure that has baby changing stations
2 in the women's restrooms shall have baby changing stations in the
3 men's restrooms.

4 SEC. 13D. (1) BEGINNING 90 DAYS AFTER THE EFFECTIVE DATE OF
5 THIS SECTION, EACH UNIT OF A PUBLIC RESIDENTIAL FACILITY THAT IS
6 HEATED BY A COMBUSTIBLE FUEL SHALL BE EQUIPPED WITH A CARBON MON-
7 OXIDE DETECTOR THAT BEARS THE LABEL OF A NATIONALLY RECOGNIZED
8 TESTING LABORATORY AND THAT MEETS THE UNDERWRITERS LABORATORIES,
9 INC. STANDARD FOR SINGLE AND MULTIPLE STATION CARBON MONOXIDE
10 DETECTORS OR A SIMILAR STANDARD APPROVED BY THE COMMISSION.

11 (2) AS USED IN THIS SECTION, "PUBLIC RESIDENTIAL FACILITY"
12 MEANS A HOTEL, MOTEL, BOARDING HOUSE, OR OTHER BUILDING USED FOR
13 SHELTER AND SLEEPING ACCOMMODATIONS IN WHICH THE OCCUPANTS ARE
14 PRIMARILY TRANSIENT IN NATURE, MAKING USE OF THE FACILITY FOR A
15 PERIOD OF LESS THAN 30 DAYS.